IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 02-02-2005

CORAM

THE HONOURABLE MR.JUSTICE M.KARPAGAVINAYAGAM

AND

THE HONOURABLE MR.JUSTICE AR.RAMALINGAM

WRIT PETITION No.31495 OF 2004
and
W.P.M.P.No.38178 of 2004

M.S.Sivakumar ... Petitioner

-vs-

1.The State of Tamil Nadu,
rep.by its Secretary,
Department of Home,
Secretariat,
Chennai-600 009.

2.The Union of India,
rep.by its Secretary,
Ministry of Home Affairs,
New Delhi.

3.The Director General of Police,
Government of Tamil Nadu,
Chennai - 600 004.

4.The Additional Director General of Police,
Special Task Force,
Sathyamangalam,
Erode District.

5.The Hon'ble Chairman,
National Human Rights Commission,
Sardar Patel Bhavan,
New Delhi-110 001. ... Respondents

For petitioner : Mr.M.S.Sivakumar,
Party-in person.

For respondents 1,3 & 4 : Mr.A.L.Somayaji,
Addl.Advocate General,
assisted by Mr.D.Krishnakumar.

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For respondent 2 : Mr.P.Wilson,
Senior Central Govt.Standing
Counsel.

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus.

O R D E R

M.KARPAGAVINAYAGAM,J.

"The end of forest brigand and serial killer Veerappan comes as a great relief to the Governments of Tamil Nadu and Karnataka, whose police resources were put to a tough challenge, on and off, during a 20 year manhunt. Starting his infamous career as an elephant poacher and graduating into a sandalwood smuggler, Veerappan rose to become a challenge to the rule of law and constitutional authority, when he extended his sphere of influence from within an extensive forest area to the doors of important personalities and celebrities. In the last few years, he demonstrated that he could strike deep and kidnap significant persons for bigtime ransom, or sometimes for the thrill of flaunting his power. In 2000, during the 108-day drama when he held the Kannada film star Rajkumar captive, he marked out the forest as his exclusive domain. The two Governments were reduced not only to negotiating the release of the film star but also looking the other way when ransom was being arranged. Despite the elaborate manhunt launched after the release of Rajkumar, Veerappan not only evaded capture but also struck again by kidnapping and killing a popular leader and ex-Minister of Karnataka H.Nagappa. Without exaggeration, Veerappan could claim to be beyond the reach of India's law. Not only the police, even the Border Security Force personnel seemed clueless on how to track him down. In these circumstances, the success of the joint Special Task Force of the two States comes as a major boost to the morale and image of the police."

2. The above statement is contained in the 'Editorial' of 'The Hindu', dated 20-10-2004.

3. According to Mr.K.Vijaya Kumar, Chief of Tamil Nadu STF, the Operation Cocoon resulted in the death of Veerappan is the result of 10 months of planning and three weeks of meticulous preparations.

4. While reflecting the opinion of the people all over India, the newspapers, including 'The Hindu', applauded the efforts made by the Tamil Nadu and Karnataka Governments and congratulated the Chief of Tamil Nadu STF Mr.K.Vijaya Kumar, whose operation finally ended well.

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5. With a sense of appreciation, the Government of Tamil Nadu immediately announced a package of rewards to the STF personnel, whose success in eliminating the forest brigand Veerappan and his associates is a big achievement of the Government of Tamil Nadu. It also announced a cash reward of Rs.3.00 lakhs and a housing plot of their choice for each of 752 STF personnel, in appreciation of their dedicated work. The Government reflected the jubilant mood of the people, who heaved a sigh of relief, on elimination of Veerappan, by congratulating every member of the STF personnel from the ADGP down to the Cook, orderly and the bearer, and openly declared that the Tamil Nadu Police are the best in the country and, once again, they have made us proud and proved worthy of the trust placed in them. The Government on 19.10.2004 i.e., immediately after the death of Veerappan on 18.10.2004, announced distribution of awards and other things to the STF personnel, in a specially arranged function, to be held on 30th October, 2004.

6. On being aggrieved over the proposed function, M.S.Sivakumar, petitioner herein, who claims himself as a social worker and a regular blood donor, having a rare blood group of B Negative, has tapped the doors of the High Court, by filing this Writ Petition, by way of Public Interest Litigation, as a party-in person. This Writ Petition is for a mandamus, directing the respondents, particularly, the first respondent/State of Tamil Nadu, to compensate the victims and their kith and kin at the hands of forest brigand Veerappan and the Special Task Force personnel in monetary terms or otherwise and rehabilitate them with honour.

7. Petitioner filed W.P.M.P.No.38178 of 2004, pending the Writ Petition, seeking for an ad-interim injunction, restraining the State of Tamil Nadu from holding the function to be held at Jawarhalal Nehru Stadium or Nehru Indoor Stadium, Chennai, on 30.10.2004, to commemorate the death of Veerappan and his accomplices and felicitate the Special Task Force personnel of Tamil Nadu, pending disposal of the Writ Petition.

8. When this matter came up before the I Bench on 29.10.2004, the I Bench declined to give interim relief to restrain the respondent from conducting the function on 30.10.2004, however, directed the Additional Advocate General to take notice on behalf of the respondents and file a counter in the main Writ Petition. Accordingly, a counter has been filed on 27.11.2004.

9. The gist of the affidavit filed by the party-in person, in support of his prayer, is as follows :

(a) Petitioner is a Social Worker and Managing Director of Agni Communications (P) Ltd. The forest brigand Veerappan, along with three of his accomplices, was stated to be killed in an encounter on 18.10.2004, by the Special Task Force. During his dubious career, Veerappan killed about 132 persons, most of them innocent civilians and tribals.

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(b) Though the people of Karnataka and Tamil Nadu heaved a sigh of relief at the elimination of Veerappan, the sequence of events that led to shootout and the death of Veerappan has caused suspicion in the minds of the citizens. Mr.K.Vijayakumar, Chief of the Special Task Force and fourth respondent herein, claimed that Veerappan was killed in an encounter. On the contrary, Mr.Jyothi Prakash Mirji, Chief of the Special Task Force of Karnataka, claimed that Veerappan might have committed suicide.

(c) The State Government of Tamil Nadu has played up the incident and attempted to take credit for the gunning down of the brigand Veerappan and hastily announced rewards for the Special Task Force personnel. In the award function to be held on 30.10.2004, the Tamil Nadu Government proposed to spend several crores or rupees to be given as cash awards to 752 STF personnel, housing plots and also promotions.

(d) The Government of Tamil Nadu cannot hold such a function to felicitate the STF personnel of Tamil Nadu and give away rewards from out of public money, in view of the fact that doubts have been raised by the Joint Operations in the combing operations of Veerappan. The State of Tamil Nadu cannot be permitted to sensationalise the killing of Veerappan and glorify the Special Task Force personnel, who indulged in human rights violations in villages and tribal hamlets. Hundreds of victims, who lost their lives and materials, are not compensated yet.

(e) For the death of Veerappan and other accomplices, no case was registered under Section 154 Cr.P.C. There are also victims of torture at the hands of STF personnel, who are not rehabilitated and compensated till today.

(f) Showering of rewards to police personnel, who kill a person in an encounter, will give a wrong signal to the police personnel and also demoralise the duty-conscious police personnel in other wings of the police force. There is a demand of of judicial probe into Veerappan's mysterious death. Unless and until the nature of Veerappan's mysterious death is decided in probe, the respondent State Government cannot shower largesse or awards to the STF personnel.

(g) When there is a suspicion in the minds of the general public that Veerappan might have committed suicide, the STF personnel cannot be rewarded, as they have miserably failed to nab Veerappan alive. It is only the victims at the hands of Veerappan and the Special Task Force, who should be rewarded, and not the Special Task Force personnel of Tamil Nadu, who have merely discharged their duties.

(h) The action of the State Government of Tamil Nadu in holding the function to felicitate the STF personnel without compensating the victims at the hands of Veerappan and STF personnel is violative of Articles 14 and 21 of the Constitution of India.

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Hence, this writ of mandamus, directing the Government of Tamil Nadu, not to conduct any function to commemorate the death of Veerappan and not to felicitate the Special Task Force personnel of Tamil Nadu and to compensate the victims at the hands of Veerappan and the STF personnel in monetary terms and rehabilitate them with honour.

10. The learned Additional Advocate General, who appears for the respondents, would oppose the petition, on the basis of the counter.

11. The contents of the counter affidavit, filed on behalf of the fourth respondent, are as follows :

Petitioner has filed the above Public Interest Litigation with vested interest and for publicity and not in the public interest. Petitioner has not come with clean heart, mind and object before this Court, while preferring this petition. Petitioner is in the habit of filing frivolous Public Interest Litigations, in order to get publicity and propaganda and one of the Writ Petitions by way of Public Interest Litigation is W.P.No.9840 of 2004. Petitioner has filed the above Writ Petition only on the basis of the information published and reported in newspapers and magazines. Petitioner has not placed any materials to substantiate his case and also to show that that he is really interested in the welfare of the society. Further, it is reliably learnt that the Inspector General of Police, Economic Offences Wing, received several complaints from the public that the petitioner collected amounts from various persons as legal fee, claiming himself to be a practising advocate, for the purpose of recovering the deposited amount from Maruthi Chit Funds through the Courts of law. A criminal case has also been registered in Crime No.1111 of 2001 under Section 3 (1) of the T.N.P.P.D.Act, 1992, on the file of Kilpauk Police Station. As such, he has not come to the Court with clean hands. With regard to the merits, several criminal cases have been registered against the forest brigand Veerappan and others for various offences, including Section 302 IPC and under the Indian Arms Act and the Explosive Substances Act. With reference to his death in the encounter, an enquiry is pending before the Revenue Divisional Officer, Dharmapuri, as contemplated under Rule 151 of Tamil Nadu Police Standing Orders. Wife of the Forest Brigand Veerappan, namely, Muthulakshmi also appeared before the Revenue Divisional Officer for an enquiry. Under those circumstances, when the affected parties are available, filing of the Writ Petition by the petitioner, as a party-in person, as a Public Interest Litigation, is an abuse of process of law. Hence, the writ petitioner has no locus standi to file this Writ Petition and, as such, the Writ Petition is not maintainable either in law or on facts and the same has to be dismissed.

12. Both the petitioner, as a party-in person, and Mr.A.L.Somayaji, learned Additional Advocate General, appearing for the respondents, are heard at length.

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13. The petitioner, after finishing his arguments, has also filed a reply statement to the counter as well as the written submissions, along with some literature, relating to the statements made to Justice Sadasiva Commission.

14. The learned Additional Advocate General has opposed the petitions, mainly contending that the petitioner has no locus standi to file this Public Interest Litigation, as it is a Publicity Interest Litigation and, further, there are no merits in the petition as well. He cited a number of authorities, to substantiate that the petition filed by the party- in person as a Public Interest Litigation has to be dismissed at the threshold. The citations are as follows :

(i) 1993 SCC (Cri) 36 (Janatadal vs. H.S.Chowdhary)

(ii) 1994 SCC 873 (Kazi Lhendup Dorji vs. Central Bureau of Investigation).

(iii) AIR 1993 SC 852 (Ramjas Foundation vs. Union of India).

(iv) 1994 (6) SCC 620 (K.R.Srinivas vs. R.M.Premchand).

(v) 1994 (2) SCC 481 (State of Maharashtra vs. Prabhu)

(vi) AIR 1994 SC 2151 (A.P.State Financial Corporation vs. Gar Re-Rolling Mills)

(vii) 1996 SCC (Cri) 1038 (Buddhi Kota Subbarao (Dr) vs. K.Parasaran)

(viii) 2004 (3) SCC 349 (Ashok Kumar Pande vs. State of West Bengal)

(ix) 2004 (3) SCC 363 (Dr.B.Singh vs. Union of India and Others)

(x) 2004 (5) CTC 748 (Dattaraj Nathuji Thaware vs. State of Maharashtra and Others)

15. The above citations have been referred to by the Additional Advocate General, pointing out various guidelines given by the Supreme Court, for entertaining a Public Interest Litigation.

16. The guidelines are as follows :

(i) A person acting bona fide and having sufficient interest in the proceeding of Public Interest Litigation will alone have a locus standi and can approach the Court to wipe out violation of fundamental rights and genuine infraction of

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statutory provisions, but not for personal gain or private profit or political motive or any oblique consideration.

(ii) A writ petitioner, who comes to the Court for relief in public interest, must come not only with clean hands, but also with a clean heart, clean mind and clean objective.

(iii) Public Interest Litigation, which has now come to occupy an important field in the administration of law, should not be "publicity interest litigation" or "private interest litigation" or "politics interest litigation" or the latest trend "paise income litigation". There must be real and genuine public interest involved in the litigation and not merely an adventure of a knight errant or poke one's nose into for a probe.

(iv) The attractive brand name of Public Interest Litigation should not be used for suspicious products of mischief. The Court must not allow its process to be abused for oblique considerations. Some persons with vested interest indulge in the pastime of meddling with judicial process either by force of habit or from improper motives. Often, they are actuated by a desire to win notoriety or cheap popularity.

(v) When it has not been shown as to how and in what manner the affected party is handicapped in not seeking relief, Public Interest Litigation cannot be entertained. Therefore, the Courts have to filter out the frivolous petitions and dismiss them with exemplary costs, so that the mischief goes in the right direction that the petitions filed with oblique motive do not have the approval of the Courts.

(vi) It is too much to attribute authenticity or credibility to any information merely because it found publication in a newspaper, as though it is a gospel truth. It needs no reiteration that newspaper reports per se do not constitute legally acceptable evidence.

(vii) The sacrosanct jurisdiction of Public Interest Litigation should be invoked very sparingly and in favour of vigilant litigant and not for the persons who invoke this jurisdiction for the sake of publicity or for the purpose of serving their private ends.

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(viii) Public Interest Litigation is, no doubt, a very useful handle for redressing the grievances of the people but unfortunately lately it has been abused by some interested persons and it has brought very bad name. Courts should be very very slow in entertaining petitions involving public interest in very rare cases where public at large stand to suffer.

(ix) The Courts should not exercise this jurisdiction lightly, but should exercise in very rare and few cases involving public interest of large number of people who cannot afford litigation and are made to suffer at the hands of the authorities.

(x) Public Interest Litigation is a weapon, which has to be used with great care and circumspection, and the judiciary has to be extremely careful to see that behind the beautiful veil of public interest, an ugly private malice, vested interest and/or publicity seeking is not lurking.

(xi) We reiterate that it should go a warning to the Courts that this extra-ordinary power should be used sparingly and absolutely in necessary matter involving downtrodden people.

17. In the light of the above principles, we have to evaluate the points, urged by the respective parties.

18. According to the petitioner, there is a doubt with regard to the manner in which the death of Veerappan has occurred. While the Tamil Nadu STF would state that it was a death in an encounter, the Karnataka STF would state that it might be a suicide. Therefore, till this controversy is resolved, the State Government should not be allowed to felicitate and give largesse and awards to the STF personnel, which will be a bad precedent. In any event, it is stated that till the compensation is to be distributed to the victims, who lost their lives, at the hands of Veerappan and the STF personnel, such a function, conferring awards to the STF personnel, has to be restrained.

19. As indicated above, the main objection raised by the learned Additional Advocate General is, that the petitioner has no locus standi to file this petition and this petition should not be entertained, especially when the petitioner has not come with clean hands. He would further state that the Government has assured that compensation would be given to the victims at the hands of Veerappan and arrangements have already been made by the Government of Tamil Nadu and, as such, there are no merits as well in the Writ Petition.

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20. Before dealing with the merits of the petition, it would be better to deal with the maintainability of the petition, filed by the petitioner, that too as a party-in person.

21. Even according to the petitioner, there are affected parties available in Dharmapuri District, who are said to have been tortured at the hands of Veerappan and the STF. When the affected parties are available to approach the appropriate forum, seeking for compensation by placing the relevant materials, the petitioner has not taken any endeavour to show, that he, as a party-in person, alone is the savior of those affected parties and that the affected parties are not in a position to approach the Courts for seeking compensation.

22. When it has not been shown as to how and in what manner the affected parties are handicapped in not seeking relief, the Public Interest Litigation cannot be entertained.

23. According to the counter filed by the fourth respondent, some criminal cases are pending against the petitioner, as he claimed himself as an advocate and collected money from various persons as legal fee, for recovering the deposited amount from Maruthi Chit Funds. However, this has been denied by the party-in person, in his reply affidavit and written submissions.

24. Without going into the correctness of the said statement, if we look at the various contentions raised through the oral submissions or written submissions by the party-in person, we are not able to conclude that the petitioner has come forward before this Court with public interest. Even though his prayer in the main petition is for a mandamus, directing the respondents to give compensation to the victims, his anxiety, as shown in the affidavit filed by him along with the main petition, is to prevent the function, arranged by the Government of Tamil Nadu with benign purpose, for giving away awards to the STF personnel, who are said to be responsible for the death of the Forest Brigand Veerappan, who is, admittedly, a menace to the society. From this, it is clear, that it is not a Public Interest Litigation and is only a Publicity Interest Litigation, in order to gain some publicity.

25. Writ Petition was filed, just one day prior to the function. Along with the Writ Petition, seeking for a mandamus, the petitioner filed a W.P.M.P., seeking for an interim injunction, restraining the Government of Tamil Nadu from holding the said function, to be held on 30.10.2004. The I Bench, at the time of admission, was not inclined to grant injunction and simply directed the matter to be posted for final disposal, after giving time to the counsel for the Government to file counter. As there was no interim injunction, the function, as scheduled, was held and the STF personnel were given awards by the Chief Minister of Tamil Nadu. Thus, the object of the petitioner, to restrain the function, has not been achieved.

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26. As laid down by the Supreme Court,

(i) a writ petitioner, who comes to the Court for relief in public interest, must come not only with clean hands, but also with a clean heart, clean mind and clean objective;

(ii) The attractive brand name of Public Interest Litigation should not be used for suspicious products of mischief. The Court must not allow its process to be abused for oblique considerations;

(iii) The sacrosanct jurisdiction of Public Interest Litigation should be invoked very sparingly and in favour of vigilant litigant and not for the persons who invoke this jurisdiction for the sake of publicity;

(iv) The Courts should not exercise this jurisdiction lightly, as, unfortunately, the latest trend shows that a Public Interest Litigation, a very useful handle for redressing the grievance of the people, has been abused and misused by some interested persons and it has brought a very bad name;

(v) Public Interest Litigation is a weapon, which has to be used with great care and circumspection, and the judiciary has to be extremely careful to see that behind the beautiful veil of public interest, an ugly private malice, vested interest or publicity seeking is not lurking.

27. As a matter of fact, the Supreme Court, in very many decisions, gave a warning to the Courts that this extra-ordinary power should be used very sparingly. Taking into consideration of the declarations made by the Supreme Court, we are of the view that this petition is one of such petitions, where the petitioner, that too a party-in person, has not come with clean heart or with clean objective.

28. The records produced before this Court would reveal that the petitioner claims that he is the Managing Director of Agni Communications (P) Ltd and is doing many charitable services, without any publicity. The additional typed set filed by him would indicate that he is running a centre styled as 'Help Centre', as the Social Services Wing of Agni Communications (P) Ltd. During the arguments, he also claimed that he is also doing real estate business. As per the written submissions made by the petitioner, he has got knowledge in law and experience in Court matters. He himself would admit that he filed a Writ Petition, challenging the release of Murasoli Maran Commemorative Postal Stamp, by way of Public Interest Litigation, and the same is pending. In the counter filed by the fourth respondent, it is stated that the said Writ Petition filed by the petitioner as Public Interest Litigation was subsequently withdrawn. Denying the said fact, the petitioner would vociferously contend that the said Writ Petition has not been withdrawn and the same is still pending. But, on verification from the Registry, it is informed that the said Writ Petition was filed as a Public Interest Litigation by the petitioner as a party-in person, against the release of Murasoli Maran Commemorative Postal Stamp before this Court, the S.R.Number was given, subsequently the

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same was not pursued and papers were taken back.

29. As such, it is clear that the petitioner is in the habit of filing Public Interest Litigations on some reason or other and not used to pursue the matter for the reasons best known to him. However, it has to be noted that the statement made by the petitioner that the said Writ Petition is still pending is incorrect.

30. The Supreme Court would specifically stress about the importance of the duty of the Courts to filter out the frivolous petitions. According to the Supreme Court, the Courts have to filter out the vexatious petitions in the name of Public Interest Litigation and dismiss them with exemplary costs, so that the mischief goes in the right direction that the petitions filed with oblique motive do not have the approval of the Courts.

31. Therefore, we have no hesitation to hold that the present Public Interest Litigation is nothing but a publicity interest litigation and, hence, the same has to be dismissed with exemplary costs.

32. At this stage, it would be better to refer to the arguments advanced by the learned Additional Advocate General, in order to deal with the merits of the petition as well.

33. Petitioner has claimed that compensation has to be given to the victims, at the hands of Veerappan and the STF. Regarding the alleged torture by STF, is is seen from the records that already Justice Sadasiva Commission went into the same and filed a report. Therefore, with reference to the torture by STF, we are not inclined to give any finding.

34. However, in regard to the compensation, to be given to the victims at the hands of Veerappan and his associates, the learned Additional Advocate General would produce a letter sent by Mr.Pavan Raina, I.A.S., Principal Secretary to Government, to him, informing him about the announcement made by the Chief Minister in the Press statement, dated 28.10.2004, wherein it is stated that the Government is making arrangements for payment of compensation to the victims at the hands of Veerappan. The contents of the letter are as follows :

" Home (Pol.VIII) Department,
Secretariat, Chennai-9.

Letter No.115771/Pol.VIII/2004-2, Dated 25.01.2005

From
Thiru Pavan Raina, I.A.S.,
Principal Secretary to Government.

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To
The Additional Advocate General,
High Court, Madras,
Chennai-600 104.

Sir,

Sub : Police -STF-Payment of compensation to the victims who are affected/killed by Veerappan and his gang.

*****

I am directed to state that the Hon'ble Chief Minister in the Press statement dated 28.10.2004 had announced that the particulars regarding the number of persons/families killed/affected by the atrocities committed by Veerappan and his gang would be collected, and on receipt of the same, the Government would take action to compensate the victims/affected families. Accordingly, the Director General of Police, Chennai, Director General of Police, Special Task Force, Collectors of Erode, Coimbatore, Dharmapuri, Salem and The Nilgiris have been addressed to collect and furnish the details of the victims and their families who were affected/killed in atrocities committed by Veerappan and his gang. On receipt of necessary proposals from them, action will be taken for sanction of payment of compensation to the families/victims affected by Veerappan and his gang.

Yours faithfully,
Sd/-
for Principal Secretary to Government"

35. From the above, it is clear that the Chief Minister of Tamil Nadu declared through a Press Statement made on 28.10.2004 that the Government Officials are collecting particulars regarding the number of persons/families killed/affected by the atrocities committed by Veerappan and his gang and after collection of the same, the Government would take appropriate action to compensate the victims and the affected families.

36. The Press statement, made by the Chief Minister on 28.10.2004, as published in 'The Hindu', dated 29th October, 2004, is as follows :

"Awards scheme for bravery and gallantry :
By Our Special Correspondent
Chennai, Oct.28. The State Government has initiated an awards scheme for bravery, heroic action and gallantry. According to a gazette notification, "the scheme shall mean any payment in cash and/or kind to any class or category of personnel from the forces" - police, excise,

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forestry or enforcement.

The Government said the objective was to "benefit the forces involved in action against classified criminals." It said "motivating personnel involved in any such action is in the public interest, for ensuring safety and security to life and property of society at large. A motivated police force is an asset to any modern civil society."

Special medals

In a press release today, the Chief Minister, Jayalalithaa, said she had decided to present special police medals. These include the Tamil Nadu Chief Minister's Police Medal for Gallantry, Bravery and Heroic Action, the Tamil Nadu Chief Minister's Special Task Force Injury Medal and the Tamil Nadu Chief Minister's Special Task Force Participation Medal. The last medal will be given to anyone who has put in two years in the STF (at the function here on October 30).

Memorial

A memorial would be built at the Police Academy to honour those who laid down their lives for capturing the bandit, Veerappan, Ms.Jayalalithaa said. Some STF personnel who were either killed or injured and whose next of kin were compensated at a lower rate would be given enhanced compensation. Foresters, forest guards and forest watchers who had worked alongside the STF would be promoted to the next grade and given Rs.1 lakh each. All 105 daily wage forest guards would be given consolidated pay from now.

Ms.Jayalalithaa said she had ordered that officials to find out to what extent tribals and those living near the forests were affected by the activities of Veerappan. Once the details were received, she would undertake relief measures."

37. On a perusal of the Press Statement, the object of the Government in announcing rewards, cash awards, promotions etc., is for motivating the personnel involved in any bravery action in public interest for the purpose of ensuring safety and security to life and property of society at large. Further, it is clear from the statement that the Chief Minister ordered that officials to find out to what extent the tribals and those living near the forests were affected by the activities of Veerappan and after collection of those details, she would undertake relief measures for those victims.

38. In view of the same, mandamus, directing for payment of compensation would be unnecessary. Further, in the counter filed by

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one of the respondents, it is clearly mentioned that regarding the death of Veerappan in the encounter, there is an enquiry conducted by Revenue Divisional Officer, in which necessary witnesses, including Muthulakshmi, wife of Veerappan, has been examined, in order to know about the cause of death. When such being the situation, this Court cannot be asked to reject the statement of Vijayakumar, Chief of the STF, Tamil Nadu, and accept the statement of speculation made by Jyothi Prakash Mirji, Chief of the STF, Karnataka.

39. As a matter of fact, it has to be stated that the body of Veerappan was subjected to post-mortem and it is not stated that Post-mortem Report would indicate that it was a suicide. On the other hand, the news item on 20th October, 2004, published in 'The Hindu', would indicate the result of the post-mortem, conducted on the body of Veerappan, which reads as follows :

> "The post-mortem examination conducted on Veerappan's body today revealed that he had suffered three bullet injuries. A confidential medical report said he had sustained bullet injuries on his forehead, chest and hip. One bullet was taken out during the post-mortem. Sethukuzhi Govindan had 15 bullet injuries. Sethumani had six bullet injuries and Chandre Gowde had six."

40. Therefore, on the basis of the alleged speculation made by the Chief of STF, Karnataka, as published in the newspaper, this Court cannot be compelled to decide anything over the alleged suspicion. On the face of it, we have no material to conclude that the death of Veerappan was not in an encounter and only due to his suicide and, as such, this petition is totally misconceived.

41. Before parting with this case, this Court cannot but make full appreciation to Mr.Vijaya Kumar, Head of the STF, Tamil Nadu, for his "Operation Cocoon", which resulted in the death of Veerappan, who has killed several persons, including the civilians like high ranking police officers and high ranking forest officers, both in Tamil Nadu and Karnataka. We also applaud the action of the Government, in arranging the function to give away the awards, in appreciation of the services rendered by the police personnel. In our view, the efforts made by the Tamil Nadu STF, which proved the success, has gained a good name not only for Tamil Nadu Police, but, has secured fame and name for whole India, at the international level.

42. As a matter of fact, the Members of the STF, at the risk of their lives, with full knowledge that several police officers were done to death at the hands of Veerappan, finally managed to infiltrate the gang and made Veerappan walked into a well laid trap, laid by the Tamil Nadu STF. In our view, the Tamil Nadu STF deserves every appreciation not only by the Government of Tamil Nadu, but also the Government of India.

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43. In this context, it would be worthwhile to refer to the article published in 'The Hindu', dated, October 26, 2004, written by Mr.V.Vaikunth, former Director General of Police, Tamil Nadu, which reads as follows :

> "It was indeed a "moment of crowning glory" for the Tamil Nadu Police, more particularly, the Special Task Force, led by Vijay Kumar when they, if I may use the phrase "executed" Veerappan and his gang - not just killed them in an encounter - for all the heinous offences he had committed against individuals and society, posing in the process a challenge to the governments of Tamil Nadu and Karnataka.
>
> By executing Veerappan, Vijay Kumar and his team have restored the lost glory of the Tamil Nadu police, because this menace has been nagging the police for over two decades. (underlining is ours). The Tamil Nadu police, one of the finest forces in the country, was subjected to needless criticism by certain groups who would not know the real functioning of the policing system. One point of the repeated criticism was that while people from certain sections had access to Veerappan why not the police. By this execution in a well planned operation, Vijay Kumar and his team have put an end to all the criticism and drawn the curtain over this long-drawn-out nagging issue."

44. In his entire article, Mr.V.Vaikunth, former Director General of Police, Tamil Nadu, has showered his congratulations and salutations on Mr.K.Vijaya Kumar and his dedicated team. We share his benign views and fully agree with him, by once again recording our appreciable note for the valour shown by Mr.K.Vijaya Kumar and his team.

45. But, unfortunately, instead of appreciating the good services rendered by the Tamil Nadu STF, which has made the flag of Tamil Nadu Police fly high, the petitioner, as a party-in person, has filed this Writ Petition, with accusing unclean fingers.

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46. As indicated above, the intention of the petitioner, in our opinion, is not in the interest of public, but, on the other hand, it is only the interest of himself, in gaining publicity. This sort of attitude on the part of the party-in person, who has wasted the time of the Court, is highly condemnable. Therefore, we deem it fit to impose heavy costs on the petitioner, in the light of the guidelines laid down by the Supreme Court, as mentioned above. The petitioner himself claims that he is the Proprietor and Managing Director of Agni Communications (P) Ltd; owning several institutions and also doing real estate business. Therefore, we feel that he is affordable to pay heavy costs. Accordingly, we direct him to pay

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costs of Rs.25,000/- to the Chief Minister's Relief Fund, within a period of one month from today. Since the petitioner wanted the compensation to be given to the victims at the hands of Veerappan, the State Government is directed to use that amount for distribution of compensation to the victims of Veerappan. Further, as undertaken, the Government of Tamil Nadu is directed to make arrangements for distribution of the compensation amount to the victims at the hands of veerappan, after collecting the facts and figures of the victims, within three months from today.

47. With the above observations, this Writ Petition is dismissed. Consequently, the connected W.P.M.P.No.38178 of 2004 is also dismissed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To
1.The Secretary, State of Tamil Nadu,
Department of Home, Secretariat, Chennai-600 009.

2.The Secretary, Union of India,
Ministry of Home Affairs, New Delhi.

3.The Director General of Police,
Government of Tamil Nadu, Chennai - 600 004.

4.The Additional Director General of Police,
Special Task Force, Sathyamangalam, Erode District.

5.The Hon'ble Chairman, National Human Rights Commission,
Sardar Patel Bhavan, New Delhi-110 001.

Two ccs to Mr.M.S.Sivakumar, party in person SR.4190.

One cc to Mr.P.Wilson, SCGSC, SR.No.4270

Two ccs to the Govt. Pleader, High Court, Madras, SR.4451, 4362.

W.P.No.31495 OF 2004

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